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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 988,061	11 16 2001	Gennady Volokitin	03100126AA	7863

7590 05 19 2003

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EXAMINER

DEL SOLLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 05 19 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,061

Applicant(s)

VOLOKITIN ET AL.

Examiner

Joseph S. Del Sole

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-12 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Statement of Small Entity***

1. In order for Applicant's request for consideration as a small entity, a small entity statement must be filed with the response to this Office action.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

3. The corrected or substitute drawings were received on 10/24/02. These drawings are acceptable.

### ***Specification***

4. The disclosure is objected to because the quality of the text is poor and many words are illegible, largely due to a blank line passing through each page of the specification and claims. The Applicant must correct the multitude of errors created by an apparent poor photocopying of the disclosure by replacing each of the paragraphs in the disclosure containing an error or replacing the entire disclosure. If the Applicant chooses to submit a substitute specification, the Applicant must be sure to follow 37 CFR 1.125. This includes, but is not limited to, a) submitting a statement that the

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substitute specification includes no new matter; b) submitting a marked up version of the substitute specification showing all the changes (including the matter being added to and the matter being deleted from) to the specification of record and c) submitting the substitute specification in clean form without markings as to amended material. The claims suffer from the same poor quality with some illegible words and must be likewise corrected.

Appropriate correction is required.

### ***Claim Objections***

5. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The Applicant attempts to further limit the apparatus by stating that the distributor plate has an "upper side that curves in concave fashion and faces the opening". However claim 3 states that the distributor has "a surface that faces the opening and that rises toward the rim". Page 8, lines 4-6 states "distributor plates... is provided with a surface that rises as it approaches the rim and thus forms an upper surface that curves in concave fashion". An upper surface curving in a concave fashion is formed because of the surface rising as it approaches the rim. Therefore the limitation of claim 3 already sets forth a limitation limiting the distributor plate to one having an upper side curving in concave fashion. Furthermore, both claims explicitly state that the distributor plate faces the opening.

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***References of Interest***

6. Volokitin et al (6,524,514), Thomas (2,192,944), Breidenthal, Jr. (4,468,241), Metz (4,863,509), Bogue et al (5,346,377), Japanese Patent 6-155455 and Japanese Patent 1-198410 are cited of interest to show the state of the art.

***Allowable Subject Matter***

7. Claims 1-3 and 5-12 are allowed.

8. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest a device having a polymer melt feed leading to a rotating hollow reactor having a wall which widens conically with ribs for dividing the melt film into fibers and the hollow reactor is vertically oriented and has an opening for introducing the polymer melt and a rotating distributor plate is positioned opposite the opening at a distance from the inner wall of the hollow reactor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. This application is in condition for allowance except for the following formal matters: **a)** parts of the specification and claims are illegible; and **b)** claim 4 does not further limit parent claim 3, each of these matters are discussed more fully in paragraphs 1-5 above.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S. Del Sole*  
J.S.D.  
May 15, 2003

*[Signature]*  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300  
*5/15/03*